



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

Refer to:

OSB1997-0860

September 26, 1997

Cary Osterhaus
District Manager
Roseburg BLM District
777 NW Garden Valley Blvd.
Roseburg, Oregon 97470

Re: ESA section 7 consultation on FY98 timber sales on the Roseburg BLM District,
Umpqua River Basin

Dear Mr. Osterhaus:

This letter presents NMFS' biological opinion, pursuant to Section 7(b) of the Endangered Species Act (ESA), that the effects of certain timber harvest and associated activities, together with cumulative effects and the effects of the environmental baseline, are not likely to jeopardize the continued existence of certain listed, proposed and candidate fish species. This letter also authorizes incidental take associated with the subject timber sales. In making these determinations the National Marine Fisheries Service (NMFS) applies the methodology described in the NMFS document entitled "Application of Endangered Species Act Standards to: Umpqua River Cutthroat Trout, Oregon Coast Coho Salmon, . . . Oregon Coast Steelhead . . . For Federal Land Management Conferences and Consultations," February 1997, (attachment 1).

The Resource Management Plan for the Roseburg Bureau of Land Management (BLM) District, along with other Oregon coastal BLM Districts and National Forests, was recently the subject of a formal programmatic ESA consultation that was concluded when NMFS issued its Biological Opinion and Conference Opinion concerning the effects of their implementation on these same species, dated March 18, 1997. That opinion provides an important basis for many of NMFS' determinations documented by this letter. Hereafter that programmatic opinion is referred to as the LRMP/RMP Opinion. The Umpqua Basin Level 1 team met in Roseburg, Oregon, on July 10, 1997, and discussed the proposed timber sales. The team, on which NMFS participates, agreed with the Roseburg BLM District's determination that, in the short term these sales are likely to adversely affect listed salmonids, but that, in the long term, they were consistent with the LRMP/RMP Opinion and the Aquatic Conservation Strategy as proposed. The Roseburg BLM District then finalized its biological assessment (BA) on August 5, 1997.



The BA describes the environmental baseline and effects of three proposed timber sales (Class of 98, Ward Creek Commercial Thin and Happy Summit Density Management) in the Roseburg BLM District on Umpqua River (UR) cutthroat trout. This BA was received by NMFS on August 7, 1997. The Level I team for implementation of each of the subject timber sales determined that the subject sales are “likely to adversely affect” (LAA) the listed UR cutthroat trout and therefore require a formal ESA consultation and this biological opinion. The Roseburg BLM District also requested conferencing on the effects of the subject actions on Oregon Coast (OC) steelhead trout. This letter is also a conference opinion with respect to that species, as provided for in 50 C.F.R. § 402.10(d). The letter which accompanied the BA stated, and NMFS concurs, that all effects determinations are the same for the two species.

Biological Requirements, Proposed Critical Habitat, Environmental Baseline, and Cumulative Effects

The UR cutthroat trout (*Oncorhynchus clarki clarki*) was listed as endangered under the ESA by the NMFS (August 9, 1996, 61 FR 41514). The OC coho salmon (*O. kisutch*) and OC steelhead trout (*O. mykiss*) Evolutionarily Significant Units (ESUs) were proposed as threatened under the ESA by NMFS (July 25, 1995, 60 FR 38011 and August 9, 1996, 61 FR 41541). The OC coho salmon ESU was reclassified as a candidate for listing under ESA by NMFS (May 6, 1997, 62 FR 24588). The NMFS has proposed critical habitat for UR cutthroat trout (July 30, 1997, 62 FR 40786). The proposed actions are located within proposed critical habitat for UR cutthroat trout.

The biological requirements of each of these ESUs are discussed in the LRMP/RMP opinion, NMFS (1997b). Environmental baseline conditions in the Umpqua Basin are discussed on pages 7-10 of NMFS (1996) and pages 13-14 of NMFS (1997b). Cumulative effects as defined under 50 CFR 402.02 are discussed for the Umpqua Basin on pages 12-13 of NMFS (1996). These respective analyses are incorporated herein by this reference. NMFS is not aware of any newly available information that would materially change these previous analyses of biological requirements, environmental baseline or cumulative effects for the purpose of this opinion.

Site-specific environmental baseline descriptions and effects determinations were done by Roseburg BLM personnel for each of the subject timber sales, the documentation for which is included in the BA and hereby incorporated into this opinion by reference. These site-specific environmental baseline descriptions and effects determinations were concurred with by NMFS, and considered by NMFS in addition to the broad scale analysis done for the LRMP/RMP Opinion described above.

Proposed Actions

The Roseburg BLM District proposes regeneration harvest for all harvest units in the Class of 98 Timber Sale. This sale would be located in the South Myrtle Creek drainage which is not a key watershed under the Northwest Forest Plan (NFP). Approximately 1.3 miles of new permanent road

would be built; most of which is located on ridgetops. Approximately 1.5 miles of existing roads have been identified for decommissioning, but agreement has not been reached with the right-of-way permit holders. If the proposed road decommissioning is not agreed to by the appropriate right-of-way agreement holders, the BLM would need to identify replacement mitigation (i.e. equivalent mileage or equivalent impact) to offset the proposed new permanent road construction. Written agreement on appropriate mitigation measures would need to be reached prior to initiation of proposed road building or timber harvest. If appropriate mitigation measures are not derived, the BLM would reinitiate consultation with NMFS. No timber harvest would occur within Riparian Reserves in this sale.

The proposed Ward Creek Commercial Thinning sale would involve thinning in seven units totaling 190 acres (150 acres in the Umpqua Basin and 40 acres in the Siuslaw Basin). A total of 450 feet of temporary road would be constructed in two separate segments. Some thinning would occur in riparian reserves, with a variable (20-50 foot) no touch buffer.

The proposed Happy Summit Density Management sale would involve thinning on up to 500 acres. Some limited thinning would occur in Riparian Reserves, with smaller trees being harvested and large trees left. Under the preferred alternative suggested by the ID Team, harvest would be by helicopter and cable systems, with no new road construction.

Effects of the Actions

The effects of each of these timber sales on the salmonid stocks and their habitat are presented in the BA prepared by the Roseburg BLM District and reviewed by the Level 1 team on which NMFS was represented. NMFS finds those descriptions to be adequate for this analysis and as part of the basis for the determinations of this letter. The NMFS does not consider these actions to be likely to result in more effects than expected or considered in the LRMP/RMP Opinion.

Additionally, a detailed discussion of the potential effects of timber harvest and associated activities on salmonid habitat is presented in the NMFS document entitled “Potential Effects of Timber Harvest and Associated Activities on Salmonid Habitat and Measures to Minimize Those Effects” (hereinafter referred to as “NMFS 1997a”), (attachment 2) and is incorporated herein by this reference. Similarly, a general discussion of the potential effects of associated road construction on salmonids and their habitat is provided in LRMP/RMP biological opinion, NMFS (1997b). NMFS has considered the applicability of these analyses to each of the timber sales identified in the BA and in this letter. The appropriate reviews and assessments, including watershed analyses, National Environmental Policy Act (NEPA) analyses and research review has occurred in watersheds where timber harvest is proposed in riparian reserves. The NMFS is not aware of any other special characteristics of the particular sales that would cause greater or materially different effects on the subject salmonid species and their habitat than is discussed in these references. Similarly NMFS is not aware of any newly available information that would materially change these previous effects analyses.

The NMFS expects that Aquatic Conservation Strategy (ACS) objectives which may be affected by the subject actions will be met for the following reasons: 1) potential sediment input from proposed road construction will be minimized by implementation of appropriate mitigation measures and offset by proposed decommissioning and renovation of existing roads, and 2) thinning in riparian reserves in the Ward Creek and Happy Summit timber sales will accelerate attainment of large trees to serve as a future source of large woody debris for streams in the sale areas. Despite the minor, short-term adverse effects, these actions maintain or restore essential habitat functions, and will not impede recovery of salmonid habitat, a long-term goal of the Northwest Forest Plan.

Conclusion. The NMFS concludes that, when the effects of these proposed site specific actions are added to the environmental baseline and cumulative effects occurring in the relevant action areas, they are not likely to jeopardize the continued existence of UR cutthroat trout or OC steelhead trout. In reaching this conclusion NMFS has utilized the best scientific and commercial data available as documented herein and by the BA and documents incorporated by reference.

Incidental Take Statement

Effects resulting from road construction (e.g. sedimentation) are expected to be the primary source of incidental take associated with the proposed timber sales covered by this Opinion. Because of the limited amount of new road construction and location of the roads, sediment impacts are expected to be minimized. Effects of harvesting in riparian reserves are also expected to be minimal because of location, land form, and harvest method. The NMFS expects that the incidental take associated with the other effects (discussed in NMFS 1997a, (attachment 2) of the subject timber sales will also be minimal.

Adverse effects of management actions such as these are largely unquantifiable in the short-term, and may not be measurable as long-term effects on the species' habitat or population levels. Therefore, even though the NMFS expects some low level of incidental take to occur due to these actions, the best scientific and commercial data available are not sufficient to enable NMFS to estimate a specific amount of incidental take to the species themselves.

The incidental take statement in the LRMP/RMP opinion provided reasonable and prudent measures and terms and conditions to avoid or minimize the take of listed salmonids from actions involving road construction (pages 65 and 70-72) that may be applied to site specific actions if appropriate. According to the procedural expectations of that programmatic biological opinion, NMFS (1997b), the Umpqua Level I team discussed the subject timber sales on the Roseburg BLM District at a meeting in Roseburg, Oregon on July 10, 1997. The Level I team found that the subject timber sales are consistent with LRMP/RMP standards and guidelines and Aquatic Conservation Strategy objectives and therefore found that reasonable and prudent measure #8, and corresponding terms and conditions # 8a-8f regarding road construction in NMFS (1997b) are appropriate for these timber harvest activities.

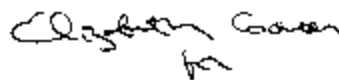
NMFS hereby applies the findings, reasonable and prudent measures, and terms and conditions set forth in the Incidental Take Statement of the programmatic LRMP/RMP Opinion (NMFS 1997b) to these site specific road construction actions. Copies of the incidental take provisions of the LRMP/RMP Opinion are Attachment 3 to this letter.

To the minimal extent that incidental take may result from the non-road construction aspects of these subject timber sales, NMFS finds that it is appropriate to prescribe reasonable and prudent measures, with terms and conditions, to further minimize or avoid such incidental take. Based on the effects analysis presented in NMFS 1997a, (attachment 2), NMFS finds that the measures, terms, and conditions proposed in that document are appropriate for these timber sales. Therefore NMFS further authorizes such minimal incidental take provided the BLM and their applicants comply with those measures, terms, and conditions.

Reinitiation of consultation is required if: (1) the amount or extent of taking specified in the incidental take statement, above, is exceeded, (2) the action is modified in a way that causes an effect on the listed species that was not previously considered in the BA and this biological opinion, (3) new information or project monitoring reveals effects of the action that may affect listed species in a way not previously considered, or (4) a new species is listed or critical habitat is designated that may be affected by the action (50 CFR 402.16).

Questions regarding consultation and conferencing on these actions should be directed to Ron Lindland at (503) 231-2315.

Sincerely,

A handwritten signature in black ink, appearing to read "William Stelle, Jr.", with a stylized flourish at the end.

William Stelle, Jr.
Regional Administrator

Attachments

cc: Don Rivard - Roseburg BLM

References

- National Marine Fisheries Service (NMFS). 1997a. The potential effects of timber harvest and associated activities on salmonid habitat and measures to minimize those effects. July.
- National Marine Fisheries Service (NMFS). 1997b. Biological Opinion and Conference Opinion on Implementation of Land and Resource Management Plans (USFS) and Resource Management Plans (BLM) on the Oregon Coast. NMFS Northwest Region 7600 Sand Point Way, NE Bin C15700, Bldg. 1, Seattle, Washington 98115. Biological Opinion and three attachments. March 18.
- National Marine Fisheries Service (NMFS). 1996. Biological Opinion on Ongoing and Proposed (through 12/31/96) Actions Affecting Umpqua River Cutthroat Trout. NMFS, Northwest Region 7600 Sand Point Way, NE Bin C15700, Bldg. 1, Seattle, Washington 98115. Biological Opinion and three attachments. February 26.